

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ORRIN TYLER COLBOURN,
Plaintiff,
v.
CORIE J. CARAWAY,
Defendant.

No. 2:24-cv-2773-TLN-SCR

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 28, 2024, the magistrate judge filed findings and recommendations which were served on plaintiff, and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed *de novo* by both the district court and [the appellate] court[.]"). Having carefully reviewed the entire file, including the objections, the Court finds the

1 findings and recommendations to be supported by the record and by the proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations (ECF No. 3) are adopted in full;

4 2. Plaintiff's motion to proceed in forma pauperis (ECF No. 4) and motion to appoint

5 counsel (ECF No. 5) are denied as moot;

6 2. This action is dismissed for failure to state a claim; and

7 3. The Clerk of the Court is directed to close this case.

8 DATE: December 5, 2024

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11 TROY L. NUNLEY
12 CHIEF UNITED STATES DISTRICT JUDGE
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